



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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September 14, 2000

***In Reply Respond to:***

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Instruction Memorandum **CA 2000-098**

Expires: 09/30/01

To: All California Field Managers and Law Enforcement Officers (LEO's)

From: State Director

Subject: Final Guidelines - Greensweep

Effective immediately, the attached marijuana eradication guidelines are to be strictly followed. The overall purpose for the guidelines is two-fold, as routine marijuana eradication operations, conducted in accordance with the guidelines, are needed to protect public lands and public land users. The guidelines are being implemented to (1) provide overall direction to marijuana eradication operations in Northern California, where the Bureau of Land Management (BLM), is the lead agency; and (2) to minimize the potential for adverse effects of those operations on public lands and residents of adjacent private lands.

BLM has agreed to issue these guidelines pursuant to a settlement agreement in the case of Drug Policy Foundation et al, vs. Bruce Babbitt et al. In addition and in conjunction with the Sacramento Office of the Solicitor, training on these guidelines was conducted during the 1999 California LEO mandatory annual in-service training. All BLM LEO's will continue to operate under existing Department of the Interior (DOI), Office of Aircraft Safety (OAS) and BLM policies (including BLM General Orders), the Departmental Manual Provisions on Aviation Operation and Safety (Part 351 and 352 DM), the Interagency Helicopter Operations Guide (IHOG), and the BLM NEPA Handbook (H-1790-1).

The guidelines were developed to ensure the directives are effectively and consistently incorporated in all marijuana eradication operations in Northern California.

These guidelines only apply when BLM law enforcement personnel have the lead in an operation unless this agency is involved in a joint operation with a state or local agency and its active participation in the planning and conduct of the operation would itself require NEPA compliance. Accordingly, the guidelines would only apply to those specific situations.

**Signed**  
**Al Wright**  
**Acting State Director**

Authenticated  
Liza Raymundo  
Records Management

Attachments (4)

- 1 - Marijuana Operational Guidelines (NORCAL) (4 pp)
- 2 - Chapter 16 Interagency Helicopter Operations Guide (IHOG) (8 pp)
- 3 - National Environmental Policy Act Handbook Part A - Departmental Categorical Exclusions (3 pp)
- 4 - National Environmental Policy Act Handbook - Exceptions To Categorical Exclusion (2 pp)

**MANDATORY GUIDELINES FOR  
MARIJUANA OPERATIONS BY  
BUREAU OF LAND MANAGEMENT  
LAW ENFORCEMENT IN  
NORTHERN CALIFORNIA**

## **PREFACE**

Due to the potential impact of Bureau of Land Management (BLM) law enforcement marijuana eradication operations on the environment and on the residents of adjacent private property, the following guidelines will be followed for marijuana eradication operations in the Northern California Resource Areas (Alturas, Arcata, Clear Lake, Eagle Lake, Reading and Surprise). The following guidelines will promote efficiency and safety, and will standardize the conduct of BLM marijuana eradication operations in the Northern California Resource Areas. By following the guidelines, BLM Law Enforcement Officers (LEOs), and those BLM employees involved in marijuana eradication operations under the direction of BLM LEOs will have documentation of adherence to the National Environmental Policy Act, as well as BLM and DOI policies, in the event of citizen complaints or lawsuits. These guidelines are in compliance with the various policies of the Department of Interior, Office of Aircraft Services, and BLM. Training in the use and application of these guidelines will be incorporated into the California BLM law enforcement In-Service Training beginning in FY99.

These guidelines only apply when BLM law enforcement is the lead agency in the operation, unless BLM is involved in a joint operation with a state or local agency and BLM's active participation in the planning and conduct of the operation would itself require NEPA compliance. Accordingly, the guidelines only apply to those situations.

Many other state and federal agencies have concurrent jurisdiction on public lands managed by BLM in northern California. As an example, the County Sheriff has primary jurisdiction for enforcing California State Law within the entire county, including federally managed public lands. In such capacity, the local sheriff can conduct independent marijuana eradication activities. BLM has no authority to require those operations to be conducted in any particular fashion.

Ultimately, when weighing the benefits of conducting marijuana eradication operations against the potential damage to natural resources or cultural resources, the BLM LEOs must consider the safety of the BLM employee during the execution of these actions mandated by Congress and the national leadership to be paramount.

Any questions of safety must be decided in favor of the utmost safety afforded the BLM LEO. The benefits to society as a whole in the safe access to federally managed public lands must be considered in balance with the potential effect on the environment if BLM does not properly address this endemic problem of illegal marijuana cultivation on public lands.

Lastly, this is a guide only, and is not intended to restate, in detail, all of the requirements of the underlying laws, policies, or regulations. The specific details of aviation policy, law enforcement policy, and policy on the compliance with the various environmental protection laws are contained in those volumes, and available to the public. Law enforcement operational plans are not available for public inspection. Questions about law enforcement operations can be directed to the point of contact identified in the Guidelines.

## **Table of Contents**

### **Section I - Eradication Requirements**

- I. Definitions
- II. Operation of Aircraft during Marijuana Eradication Operations
- III. National Environmental Policy Act Compliance
  - A. Marijuana Operations Not Subject to NEPA
  - B. Categorical Exclusions
  - C. Operations Not Qualifying as a Categorical Exclusion
  - D. Large-scale Marijuana Eradication Operations
  - E. Preparing and EA or an EIS
- IV. Mitigation Measures to be Used at BLM's Discretion
- V. Requests for NEPA Documentation Prepared Pursuant to these Guidelines
- VI. Point of Contact

### **Attachment 1 - Operational Guidelines**

### **Attachment 2 - Chapter 16 1HOG**

### **Attachment 3 - H-1790-1 NEPA Handbook, Part A**

### **Attachment 4 - 516 DM 2, Appendix 2**

## **1. Definitions**

Joint Operations - Operations which include more than one agency.

Law Enforcement Officer (LEO)- Employees of the Bureau of Land Management who have been individually delegated law enforcement authority by the Director to enforce all Federal laws and regulations relating to the public lands or their resources.

Lead Agency - That agency which is in charge of and commands the conduct of the marijuana eradication operation. The Lead Agency is that agency whose employees are responsible for the planning of the operation, the establishing of operational goals, or in directing the field activity.

Marijuana Eradication Operation - Any actions undertaken by BLM Law Enforcement Officers, when BLM Law Enforcement is the lead agency, or if BLM is involved in a joint operation with a state or local agency and BLM's active participation in the planning and conduct of the operation would itself require NEPA compliance, in accordance with 43 U.S.C. §1733, to identify, locate, surveil, and/or physically remove Cannabis plants in the Northern California Resource Areas (Alturas, Arcata, Clear Lake, Eagle Lake, Reading and Surprise).

SAFECOM - Formerly know as OSA-34. This is the report submitted to document any flight accident, incident, incident with potential, maintenance deficiency, or deviation from policy. As part of the required aviation training, all BLM employees involved in flight operations are trained in the submission of this report.

## **II. Operation of Aircraft during Marijuana Eradication Operations**

All BLM Law Enforcement Officers (LEO) using or flying in helicopters or other aircraft in conjunction with marijuana eradication operations must review, and are required to be familiar with, the BLM Law Enforcement General Orders, the Departmental Manual Provisions on Aviation Operation and Safety (Parts 351 and 352 DM) and the Interagency Helicopter Operations Guide (IHOG), and appropriate Federal Aviation Regulations.

When any LEO is operating or directing the operation of helicopters or other aircraft during marijuana eradication operations the Operational Guidelines (Attachment 1) shall be used. Each such LEO will answer the questions that are pertinent to that specific flight. The LEO that completes the Operational Guideline will sign the document, print his or her name below the signature, circle the job title that is appropriate and write the

date that the form was completed. If any supporting documents, such as consultations with Resource Specialist have been completed, the documentation will be affixed to the Operational Guideline and become a part of that official document. The completed form will be maintained at the appropriate Field Office.

All BLM law enforcement marijuana eradication operations shall be conducted in accordance with the IHOG. All BLM LEO's must be familiar with Chapter 16 of the IHOG, (Attachment 2) and must comply with all training and training currency requirements, as outlined in the IHOG, Chapter 2. All LEO's will complete the appropriate forms as identified by the IHOG for each flight, and maintain them in the appropriate Field Office.

All flight operations being conducted by, or directed by, BLM LEOs must comply with all Federal Aviation Regulations (FAR). Specifically, all BLM controlled flights must maintain the minimum safe altitudes above ground as established in FAR 91.119. FAR 91.119 (d) establishes that "Helicopters may be operated at less than the minimums established in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons and property on the ground." When operating over public lands that are unpopulated by humans, helicopters will maintain the minimum altitude necessary, or specified in the Law Enforcement Air Operations Plan, whichever is higher, to perform the mission for which the helicopter is being operated. When operating over public lands that have human occupation on the adjacent private property, the helicopters will maintain the minimum altitude as specified in FAR 91.119 (b) and (c).

Additionally, each BLM LEO involved in planning air operations will plan flight routes from support areas such as airports, helibases, or Landing Zones that avoid schools, and will maintain a flight altitude as specified in FAR 91.119(b). Further, all BLM controlled flights must adhere to any flight restrictions established by BLM for a particular area. These flight restrictions will be identified in the Law Enforcement Air Operations Plan.

If safety, such as having human external loads, dictates the helicopter flys closer to the ground than established in the FAR's, those flight deviations will be noted in the Operational Plan. In those cases, the flight should be the shortest, straight line distance from the closest place the helicopter can lawfully land to the insertion point, that overflies the least number of houses, or other structures.

BLM LEOs responsible for planning flight operations will determine a Global Positioning System (GPS) coordinate for each

of the operational areas in which they are working, and will plan flights that go directly from the support area to the operational area. As contract requirements call for all contract helicopters to be equipped with a GPS receiver, the use of terrain landmarks, structures, or other objects on the ground as navigational aids will be limited to those circumstances that necessitate a flight profile other than direct point-to-point navigation using the GPS system.

As with all BLM flights, if these FARs, or other established flight requirements are violated, the BLM LEO in charge must file a SAFECOM within 24 hours explaining the reason for the deviation, and the first line supervisor must include any corrective action taken to prevent reoccurrence.

All BLM LEO's should refer any questions they have about their proposed use of helicopters or other aircraft through their supervisor to the District or State Aviation Manager.

### **III. National Environmental Policy Act Compliance**

BLM marijuana eradication operations may be subject to National Environmental Policy Act (NEPA) compliance. Some marijuana eradication operations will not be subject to NEPA while others may be covered by a categorical exclusion or require an EA. Some large scale marijuana operations may require an EIS. The LEO must determine the applicable level of NEPA analysis in planning a marijuana eradication operation.

#### **A. Marijuana Eradication Operations not subject to NEPA**

many marijuana eradication operations will not require NEPA analysis. In deciding whether, and to what degree, NEPA analysis is required for a particular activity, the LEO should compare the activity to other similar BLM activities.

#### **B. Categorical Exclusions**

Many BLM marijuana eradication operations are covered by a categorical exclusion, and therefore neither an EA nor and EIS is generally required. Activities that are categorical exclusions do not have a significant effect on the quality of the human environment (individually or cumulatively). The specific categorical exclusions applicable to BLM marijuana eradication operations can be found in BLM's NEPA Handbook, H-1790-1, Appendix 3. A list of exceptions to the categorical exclusions may also be found in H-1790-1. If one or more of the exceptions apply to an activity, further NEPA analysis must be conducted. The lists of categorical exclusions and exceptions are also included on the Operational Guidelines checklist, Attachment 1 of these Guidelines.

To ensure that the LEO is aware of any conditions or circumstances

involved in one or more of the exceptions to the categorical exclusion, BLM Resource Specialists may be consulted with during planning of marijuana eradication operations. Further, the LEO must complete the Operational Guidelines Checklist (Attachment 1) of these Guidelines prior to conducting a marijuana eradication operation.

### **C. Operations Not Qualifying as a Categorical Exclusion**

Marijuana eradication operations not categorically excluded will require further NEPA analysis prior to being undertaken. Generally, the analysis will be documented in an EA. An EA would be considered if a marijuana eradication operation could have effects which exceed the level of impacts discussed in the Guidelines EA. For example, an EA would be prepared if one of more of the exceptions to the categorical exclusions applies. BLM would also consult with the US Fish and Wildlife Service to ensure compliance with the Endangered Species Act.

### **D. Large-scale Marijuana Eradication Operations**

By State Director policy, a large-scale marijuana eradication operation will require a thorough and objective evaluation under NEPA. It is unlikely that a categorical exclusion will be appropriate due to the anticipated complexity of the action, and likelihood for sensitive environmental areas to be involved in Northern California. A marijuana eradication operation will be considered a large-scale marijuana eradication operation if any of the following criteria apply:

More than ten (10) helicopters working at the same time, in the same geographical area (usually less than 10 square miles).

More than 50 total personnel involved at the same site in the same operation.

A new temporary field operational base in the field, consisting of housing, aircraft maintenance and/or support facilities is constructed, used or occupied in the same geographical area, usually ten (10) square miles, for longer than two (2) weeks.

### **E. Preparing an EA or EIS**

When preparing an EA, the general guidance set forth in Chapter IV of the BLM NEPA Handbook should be followed. The EA must address the effects of all phases of the operation including surveillance, support activities, interdiction, removal or destruction of illegal materials and related structures and equipment, and rehabilitation

of the site. Cumulative impacts from other past, present, or reasonably foreseeable future actions must be considered. Specific mitigation measures and their effectiveness must be described for minimizing potential adverse effects.

After completing the EA, BLM must determine, based on the analysis in the EA, whether a Finding of No Significant Impact is appropriate or whether an EIS should be prepared. See BLM Handbook H-1790-1, Sec.IV.B.3.

An Environmental Impact Statement could be required for some major operation or operations. An EIS would be needed if, after considering all reasonable mitigation measures to minimize impacts, the effects of a major federal law enforcement action remain significant. Any major operation must be considered carefully in light of these requirements.

Pursuant to the law enforcement exemption under the Freedom of Information Act (FOIA), NEPA documents which analyze marijuana eradication operations will not normally be released to the public before the operation takes place. These documents may also be withheld, in whole or in part, from the public after the operation takes place, depending on the applicability of certain FOIA exemptions. The decision regarding whether to release such a document may only be made by the Special Agent in Charge, in consultation with the appropriate FOIA Officer, as set forth below in Section V.

#### **IV. Mitigation Measures to be used at BLM's Discretion**

During all marijuana operations, every BLM employee shall endeavor to have the least possible environmental impact. To accomplish this, all wheeled equipment shall be operated on existing roadways, unless safety requires the vehicles and equipment be operated off road. Then it will be operated off road only to the extent necessary for the accomplishment of the operation.

Ground personnel will use every precaution to prevent unnecessary impact on the environment. All principles espoused in the "Leave No Trace" and "Tread Lightly" philosophies will be employed by BLM LEO's to the extent they do not jeopardize the law enforcement operation.

## **V. Requests for NEPA Documentation Prepared Pursuant to these Guidelines**

When any BLM office or employee receives a request for NEPA documents prepared as a part of marijuana suppression operations, they will document the request in writing by obtaining the name, mailing address, and telephone number of the person making the request. Those requests will be immediately referred to the Office of the Special Agent in Charge, who will, in consultation with the appropriate FOIA Officer, make a disclosure determination.

## **VI. Contact**

Any Questions about these guidelines should be addressed to the Special Agent in Charge at (916) 978-4450.

**OPERATIONAL GUIDELINES CHECKLIST**

**A. PLANNING:**

- 1) Are BLM LEOs involved in any of the planning, setting of operational objectives, or directing any of the enforcement activity?\_\_\_\_\_
  - If No, this form is not required.
  - If Yes, continue.
- 2) Is this an operation as described in the EA for marijuana eradication operations in Northern California?\_\_\_\_\_
  - If No continue planning
  - If Yes no further analysis is needed.
- 3) What is the land status of the operational area?\_\_\_\_\_
  - If 'Private' stop planning and determine jurisdiction.
  - If 'Public, continue.
- 4) Does this operation fall within the "Law Enforcement Categorical Exclusion" as defined in BLM Handbook H-1790-1 - NATIONAL ENVIRONMENTAL POLICY HANDBOOK, Part A, as attached?\_\_\_\_\_
  - If 'Yes' go continue planning.
  - If 'No', continue completion of form. (See specifically Questions 5 & 6 of this section)
- 5) Does this mission fall into any of the factors describing a large-scale marijuana eradication operation?\_\_\_\_\_
  - More than ten (10) helicopters working at the same time, in the same geographical area (usually less than 10 square miles).
  - More than 50 total personnel involved at the same site in the same operation.
  - A new temporary field operational base in the field, consisting of housing, aircraft maintenance and/or support facilities is constructed, used or occupied in the same geographical area, usually ten (10) square miles, for longer than two (2) weeks.
  - If 'Yes' to any of the above, stop planning, consult with a Resource Specialist, and document the consultation. If 'No' continue planning.
- 6) Does this mission fall under one of the four Department of Interior Categorical Exclusions established for BLM as stated in 516 DM 6, Appendix 5, including:

- a) use of temporary sites for field work camps,
  - B) a single trip in a one month period to data collection or observation sites,
  - C) removal of structures and materials of non historical value including those built in trespass, and
  - D) actions where BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency.\_\_\_\_\_
- If 'Yes' continue planning  
If 'No' stop planning, consult with a Resource specialist, and document that consultation.

- 7) Does this mission fall into any of the 10 exceptions to the categorical exclusions to NEPA, as listed in 516 DM 2, Appendix 2, as attached?\_\_\_\_\_
- If 'Yes' stop planning, consult with Resource Specialist, and document consultation.  
If 'No' continue planning.
- 8) Has coordination with the appropriate Field Office Manager taken place?\_\_\_\_\_
- If Yes fill out below.  
When?\_\_\_\_\_ With Whom?\_\_\_\_\_
- If, No stop planing and coordinate with appropriate Field Officer
- 9) Has there been coordination with the local Sheriff's Office or other appropriate law enforcement agencies?
- If Yes fill out below  
When?\_\_\_\_\_ With Whom?\_\_\_\_\_
- If No stop planning and coordinate.
- 10) Have the appropriate State Office Law Enforcement Officials approved of the mission?
- If Yes fill out below  
When?\_\_\_\_\_ By Whom?\_\_\_\_\_
- If No stop planning and contact State Office.
- 11) Has coordination with the appropriate public affairs officers been established and a plan implemented?
- If Yes continue.  
If No stop planning and contact local PAO.\_\_\_\_\_
- 12) Is the mission being supported by military assets and have limitations on their use been clearly defined (Title 10 vs. Title 32)?\_\_\_\_\_

If Yes continue.

If No or Unknown to any part, stop planning and clarify military status.

## **B. Air Operations**

- 1) Have all required air operations positions been filled with qualified persons (refer to IHOG)?\_\_\_\_\_

If Yes continue.

If No stop planning and contact State Aviation Officer.

- 2) Are all requirements of 350-353 DM, BLM Manual 9400, the IHOG, and the Federal Aviation Regulations being met?\_\_\_\_\_

If Yes continue.

If No stop planning and contact State Aviation Officer.

- 3) Are there any schools in the area of operations or in the flight routes to or from the area?\_\_\_\_\_

If Yes plan to avoid those areas.

If No, continue planning

## **C. Equipment Requirements**

- 1) Do all participating personnel have the appropriate personal protective equipment?\_\_\_\_\_

If Yes continue.

If No stop planning and obtain required PPE.

- 2) Are there any special equipment needs?\_\_\_\_\_

If Yes and equipment is on hand, continue.

If No continue.

- 3) Has all equipment been checked by qualified personnel to ensure it is functioning properly?\_\_\_\_\_

If Yes continue.

If No stop planning and check equipment.

## **D. Operations Briefing:**

- 1) Has an operation plan been prepared? \_\_\_\_

- 2) Have all participants been briefed on:\_\_\_\_\_

a) Scope and purpose of operation?\_\_\_\_\_

b) Appropriate safety procedures?\_\_\_\_\_

C) BLM firearms policy?\_\_\_\_

If Yes to all, execute operation.

If No to any of above, stop and brief all participants.

Prepared by:

Ranger/Special Agent\_\_\_\_\_

Date \_\_\_\_\_

**INTERAGENCY HELICOPTER OPERATIONS GUIDE**  
**CHAPTER 16: LAW ENFORCEMENT OPERATIONS-**

1. **Introduction.** All direction in this chapter is provided for the purpose of ensuring the maximum degree of safety and efficiency in law enforcement aviation operations, it is therefore essential that law enforcement personnel who utilize helicopters in the conduct of their missions possess a complete knowledge of all aspects of helicopter operations.

Law enforcement aviation operations on occasion have special needs, The carriage of weapons or canines on board are examples. Some missions are conducted in a higher-than-normal risk environment where the hazards on the ground from potential gunfire and apprehending suspects may be greater than, or compound, the hazards associated with the aviation mission.

Though this chapter and agency-specific policy may exempt law enforcement from some standard helicopter operating procedures, it must be emphasized that an exemption in one area does not automatically exempt law enforcement users from following other standard operating practices and procedures.

It is recommended that the leader of each helicopter search and rescue mission implement the rapid risk assessment and management techniques discussed in Chapter 3, Operational Planning.

All activities not covered in this chapter and specifically exempted here or in agency specific policy shall follow the procedures outlined in other parts of this guide. This chapter is organized according to the structure and chapter sequence of the guide itself for ease of reference.

- II. **Personnel Duties and Responsibilities, Qualifications, Certification, and Training.** All law enforcement aviation operations shall be conducted by qualified personnel. Users should refer to Chapter 2, Personnel.
- III. **Operational Planning.** Law enforcement aviation missions may be accomplished utilizing agency-owned, contracted, rented<sup>1</sup>, other-government agency, or military helicopters. There are numerous agreements between agencies and the military for

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<sup>1</sup> Note that provisions in the contract or rental procurement document may prohibit use of the vender helicopter for high-risk law enforcement missions. Vendors and Pilots must be informed of any potential hazard to the aircraft or occupants.

utilizing the latter's aircraft and Pilots.

- A. **Types of Missions.** Specialized law enforcement aviation operations are often conducted in coordination with other-agency law enforcement personnel and aircraft. They may include:

- . Counter-narcotics operations
- Surveillance of suspects or locations
- Warrant service
- Reconnaissance
- Fire investigation
- Seizure and removal of evidence, contraband, and other property

Operations must emphasize safety requirements and considerations. All law enforcement personnel shall adhere to all agency policy except those involved 'in operations defined as covert. Special exemptions granted by the agency shall then apply, but then only in specific areas defined in the exemption.

When planning law enforcement aviation missions, an Aviation Manager shall be consulted to ensure compliance with guidelines and procedures and to assist in planning safe, effective operations. Appendices A and B contains a discussion of various required forms and checklists to be used on both single-helicopter and helibase and helispot management and operations.

- A. **Helicopter Rappelling.** All rappel missions conducted by agency law enforcement personnel shall conform to the procedures outlined in the Interagency Helicopter Rappel Guide (IHRG). Rappellers from other agencies and the military must adhere to their agency requirements.
- B. **Use of the Incident Command System Aviation Structure.** During complex operations, it may be advisable to utilize the Incident Command System aviation structure, including the Helibase Table of Organization outlined in Chapter 2, Personnel.
- C. **Airspace Coordination.** For multiple aircraft operations, it is recommended that an Air Tactical Group Supervisor (ATGS) be assigned to perform airspace coordination duties. This individual can operate from either a fixed-wing aircraft or helicopter. The requirements of Federal Aviation Regulation 5AR 91.119 regarding maintaining minimum safe altitudes from persons or property on the ground apply (see Interagency Airspace Coordination Guide).

- IV. **Flight Following, Resource Tracking, and Communications.** All procedures in Chapter 4, Flight Following, Resource Tracking, and Communications, shall be followed, except for covert operations where the need for secure communications is essential. In those cases, one of the following procedure(s) shall be utilized.
- A. **Grid Map Reference Check-ins.** The flight plan is placed in a sealed envelope, to be opened by the Dispatcher only in the event of an aircraft emergency or failure to check in Within normal, specified time frames. Flight check-ins are performed utilizing coded grid references rather than geographical location descriptors.
  - B. **Flight Following Through Another Agency.** Flight following may be performed by another agency (for example, Department of Defense or National Guard facility or sheriff's office). However, check-in frequency shall still meet the requirements outlined in Chapter 4, Flight Following, Resource Tracking, and Communications.
  - C. **Satellite Flight Following.** Flight following via an automated reporting satellite system is highly recommended, since no voice communication is necessary.
- V. **Personnel and Equipment Approval and Carding.** Refer to Chapter 5, Personnel And Equipment Approval And Carding. Aircraft of other federal, state, and local agencies, military components, and private industry cooperators used by law enforcement shall meet aircraft equipment requirements, conditions, and standards comparable to those required of contractors or in-house aircraft, as established by Letter of Agreement (LOA) or Memorandum of Understanding (MOU).
- A. **Non-Emergency Operations.** All rental, charter, contracted or owned aircraft shall be flown by Pilots who meet agency standards and possess a current Interagency Pilot Qualification Card.

Use of other law enforcement agency, Department of Defense, National Guard, or Coast Guard aircraft flown by that agency's Pilot(s) requires acceptance of that agency's Pilot qualifications requirements in an MOU or LOA. In these instances, it is acceptable for agency law enforcement personnel to fly with uncarded Pilots but who have been approved under the MOU or LOA.

- B. **Emergency Operations.** In certain emergency and/or covert operations, it may be necessary for personnel to ride in unapproved aircraft and/or with unapproved Pilots. These situations usually involve search and rescue or medevac operations being conducted by local authorities using public agency, military, commercial or private aircraft.

It is also recognized that undercover, covert law enforcement situations exist where an agency employee can become engaged in an activity, while operating within the normal scope of employment, which precludes utilizing carded and approved aircraft and Pilots. An example would be the law enforcement officer is put in a situation, while operating undercover, where he or she is required to fly in a suspect's aircraft.

Law enforcement employees are authorized to use unapproved aircraft and Pilots during the covert phase of an operation providing such use is, in their judgement necessary. The following policies shall govern emergency situations:

- Authorization shall be given on a case-by-case basis by the law enforcement officer in charge or Incident Commander (it is recognized that this cannot always be accomplished before the fact);
- A written justification statement shall be prepared by the Law Enforcement Officer-in-Charge, attached to an agency incident/hazard report, and submitted to the appropriate Aviation Manager within 24 hours of the completion of the mission.

- VI. **Helicopter Capabilities and Limitations.** Refer to Chapter 6, Helicopter Capabilities and Limitations, especially for guidance regarding flying at night during emergency operations.

- VII. **Helicopter Load Calculations and Manifests.** See Chapter 7, Helicopter Load Calculations and Manifests, and Appendix A, Helicopter Management Forms And Checklists, for requirements and procedures.

When utilizing aircraft other than military, load calculations and manifests are required, except, subject to the exemption above, when flying undercover in a suspect's helicopter.

When utilizing military aircraft, use of the Performance Planning Card (PPC) is acceptable.

VIII. **Helicopter Landing Areas.** Refer to Chapter 8, Helicopter Landing Areas, for requirements and procedures.

- Standards outlined in Chapter 8 shall be followed.
- Guidance and requirements for conducting one-skid, toe-in, or step-out landings for law enforcement operations is contained in Chapter 8.

IX. **Equipment Requirements and Maintenance.** Refer to Chapter 9, Equipment Requirements and Maintenance, for standard requirements and procedures.

- Exemptions from agency aviation personal protective equipment (PPE) requirements are agency-specific and shall be used only in emergency situations when the hazards on the ground (for example, from gunfire) are greater than those requiring the use of aviation PPE.
- It is recognized that law enforcement operations may require the use of specialized equipment. In these situations, consult with the local unit Aviation Manager.
- It is essential that a thorough preflight check of the aircraft be made to detect sabotage. Security is addressed later in this chapter in Section XV.

X. **Personnel Transport.** See Chapter 10, Personnel Transport, for standard requirements and procedures. The following specifically applies to law enforcement.

- A. **Transport of Injured Officers.** Prior to transporting an officer with serious injuries, all weapons being carried by the injured officer shall be secured by another law enforcement officer.
- B. **Transport of Canines.** All canines shall be muzzled, secured to a hard point in the rear of the helicopter, and be accompanied by a handler.
- C. **Transport of Prisoners.** When prisoners are transported by aircraft, the following guidelines shall be used. Inmate fire crows are excepted.
  - Brief the Pilot on the prisoner, the nature of the crimes and the extent of safety precautions used while transporting a prisoner. Brief the prisoner on aircraft

safety using the standard briefing format for all passengers.

- Search the prisoner for weapons even if the prisoner has been previously searched.
- Handcuff the prisoner using standard law enforcement policy and procedures. If the prisoner is to be handcuffed in front, ensure that a belly chain or other suitable device is used.

Seat and restrain prisoners in the rear of the aircraft opposite the Pilot with the Law Enforcement Officer sitting next to the prisoner. It is not advisable to seat a prisoner where the prisoner has access to the Pilot or controls.

- Law enforcement officers at the receiving landing area should be briefed and available for pickup and transportation of the prisoner.

XI. **Cargo Transport.** Refer to Chapter 11, Cargo Transport, for standard requirements and procedures. The following specifically applies to law enforcement operations.

- A. **Transport of Evidence.** Transportation of evidence should follow agency guidelines and requirements, but must not compromise aviation safety.
- B. **Hazardous Materials.** All transport of hazardous materials during law enforcement operations shall follow the procedures of the agency's Hazardous Materials.

Transport Handbook or Guide. The following are recommended procedures during tactical or emergency operations.

**1. Transport of Weapons.** When law enforcement personnel carry firearms in the helicopter, the following safety precautions shall be taken:

- Brief Pilots on weapons type(s) and safety policy.
- Long guns (shotguns, rifles, etc.) shall not have a round in the chamber and shall be under the control of the Law Enforcement Officer.
- Hand guns may be loaded and shall be holstered.
- Fully automatic weapons shall have an empty chamber and the bolt locked in safe position.

- Keep all weapons pointed In a safe direction as determined by the Pilot during the preflight briefing.
- Emergency situations may necessitate carrying weapons with a round chambered, This shall be determined by the Law Enforcement Officer-in-Charge in consultation with the Pilot, and shall follow all agency guideline and requirements.

**2. Transport of Pyrotechnic Devices.** When law enforcement personnel carry pyrotechnic devices in the helicopter, the following safety precautions shall be taken:

- Brief Pilots on device types and safety policy.
- All detonating material must be transported in the care of a certified user.

**3. Transport of Hazardous Chemicals.** When law enforcement personnel carry hazardous chemicals in the helicopter, the following safety precautions shall be taken:

- Brief Pilots on material and safety policy.
- All clandestine laboratory paraphernalia shall be transported under the direction of a designated hazardous materials response team.
- The carriage of mace and other gases shall conform to transport requirements found in the agency Hazardous Materials Handbook or Guide.

**XII. Fire Protection and Crash-Rescue.** See Chapter 12, Fire Protection and Crash Rescue, for standard requirements and procedures.

**XIII. Fueling Operations.** See Chapter 13, Fueling Operations, for standard requirements and procedures. Also see Appendix 1, Remote Fuel Site Reminders List.

**XIV. Helicopter Maintenance.** See Chapter 14, Helicopter Maintenance, for standard requirements and procedures

- Maintenance requirements for use of,co-operator or military aircraft should be established by Letter of Agreement or Memorandum of Understanding (usually contained in the same LOA or MOU that authorized use of Pilots).

- As stated previously, it is essential that a thorough preflight check of the aircraft be made to detect sabotage.

XV. **Helibase and Helispot Management and Operations.** See Chapter 15, Helibase and Helispot Management and Operations, for standard requirements and procedures. Also see Appendix F, Daily Helicopter Operations Briefing/Debriefing Checklist.

- Canines must be under the strict control of a handler at all times.
  - The following specifically applies to security during law enforcement helibase and helispot operations.
- Helibase.** A Law Enforcement Officer (LEO) shall be at the helibase at all times. If a Helicopter Manager or Helibase Manager is a qualified LEO, he or she can act in this capacity.
  - Helispots.** An LEO must be with the helicopter at all times while it is on site. At no time shall the helicopter shut down without an LEO present.
  - Overnight Security.** Unless set forth in the contract, agency law enforcement is not legally responsible for overnight security of the helicopter at an airport or other secured area. At other sites, however, it may be highly prudent for the agency to provide security.
  - Fuel Truck.** Fuel trucks shall be escorted through high risk areas by an LEO. Overnight security shall be under the same guidelines as the helicopter.

#### XVI. **Administration.**

- Appendix D, Contract Administration; Agency Flight Payment Documents, provides guidance on helicopter administration, including Contracting Officer, Contracting Officer's Representative, and Project Inspector duties and responsibilities, completion of flight payment documents, etc.

- Agencies may have specific guidelines on reporting non-revenue use of cooperator and military helicopters.

May 1994

*Attachment 3*

# **NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK**

BLM HANDBOOK H-1790-1

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK  
CATEGORICALLY EXCLUDED ACTIONS

Part A - Departmental Categorical Exclusions  
(516 DM 2, Appendix 1).

"Chapter 2 - Appendix 1, Departmental Categorical Exclusions

The following actions are categorical exclusions (CX) pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared individual actions within these CX if the exceptions listed in 516 DM 2, Appendix 2, apply.

1.1 Personnel actions and investigations and personnel services contracts.

1.2 Internal organizational changes and facility and office reductions and closings.

1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.

1.4 Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, settlement, appeal or compliance.

1.5 Regulatory and enforcement actions, including inspections, assessments, administrative hearings and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.

1.6 Mon-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.

1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g., limited size and magnitude or short-term effects.

1.8 Management, formulation, allocation, transfer and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)

1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.

1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.

1.11 Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public."

Part B - BLM Categorical Exclusions (516 DM 6, Appendix 5).

**(reserved pending revision)**

Rel. 1-1547  
10/25/88

## Appendix 4 (I-C, II-B3)

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK  
EXCEPTIONS TO CATEGORICAL EXCLUSION

The following exceptions apply to individual actions within categorical exclusions (516 DM 2, Appendix 2). Environmental documents must be prepared for actions which may:

<u>DM#</u>	<u>Exception</u>
2.1	Have significant adverse effects on public health or safety.
2.2	Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, flood plains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.
2.3	Have highly controversial environmental effects.
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
2.5	Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.
2.6	Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.
2.7	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

- 2.8 Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.
- 2.9 Require compliance with Executive Order 11988 (Flood plain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.
- 2.10 Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

BLM MANUAL

Rel. 1-1547 10/25/88